

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

|                     |   |                              |
|---------------------|---|------------------------------|
| GEOTAG, INC.,       | ) |                              |
|                     | ) |                              |
| Plaintiff,          | ) |                              |
|                     | ) |                              |
| v.                  | ) | Civil Action No. 2:12-cv-043 |
|                     | ) |                              |
| CANON INC., and     | ) | JURY TRIAL DEMANDED          |
| CANON U.S.A., INC., | ) |                              |
|                     | ) |                              |
| Defendants.         | ) |                              |
|                     | ) |                              |

**DEFENDANT CANON U.S.A., INC.'S REPLY**  
**IN SUPPORT OF ITS MOTION TO STAY**

In their response, Plaintiff states that “[t]he Moving Defendants do not present any evidence or argument explaining how the Delaware litigation would resolve GeoTag’s claims against them in this litigation.” GeoTag, Inc.’s Response to Defendant Canon U.S.A., Inc.’s Motion to Stay (“Response”), Ex. E at 6. In fact, Canon U.S.A., Inc. (“Canon”), by reference to prior filings, did in fact include evidence and argument explaining how this case can be resolved by the Delaware litigation. *See, e.g.*, Defendant Canon U.S.A., Inc.’s Motion to Stay (“Motion to Stay”), Ex. A at 14 (explaining that “[r]esolution of the Declaratory Judgment Actions brought by the Delaware Plaintiffs would resolve the major issues of patent validity, patent enforceability, and construction”). Indeed, to the extent that the Delaware action could resolve even a single issue in an action involving hundreds of defendants, such a resolution would be a significant contribution to judicial economy.

Plaintiff further argues that Moving Defendants “rely entirely on the arguments previously made to the Court by other defendants in other actions.” Response, Ex. E at 6.

Canon made those arguments pursuant to an agreement<sup>1</sup> between Plaintiff's counsel and counsel for Defendants, and those arguments are equally relevant to Canon as they are to other Defendants.

Plaintiff further argues that "none of those arguments even suggested that the Delaware litigation could resolve all or even most of the issues regarding GeoTag's claims against the Moving Defendants. Indeed, the Moving Defendants do not present any evidence or argument that GeoTag's claims against them share any common issues with the Delaware litigation other than the issue of the validity of the '474 patent in suit." Response, Ex. E at 6-7. As detailed in the prior briefing, Moving Defendants have extensively argued how the Texas cases share common issues with the Delaware litigation, including patent invalidity, patent enforceability and claim construction. Indeed, the Moving Defendants make significant arguments that the issue of invalidity is case dispositive, because a finding of invalidity would be case determinative for all defendants and conclude *all* related litigation.

In sum, for the reasons set forth herein, Canon respectfully requests that the Court stay the present action pending resolution of the Delaware Declaratory Judgment Action.

Dated: July 12, 2012

Respectfully submitted,

/s/ James J. DeCarlo

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<sup>1</sup> This agreement is explained in Canon's Certificate of Conference in the Motion to Stay.  
**Defendant's Reply In Support of Its Motion to Stay**

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ATTORNEYS FOR DEFENDANT  
CANON U.S.A., INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to consented to electronic service and being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on July 12, 2012. Any other counsel of record or parties will be served by facsimile transmission and/or first class mail this 12<sup>th</sup> day of July, 2012.

By: /s/ James J. DeCarlo  
James J. DeCarlo